



DEPARTMENT OF HEALTH & HUMAN SERVICES

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New York District

Food & Drug Administration
300 Pearl Street, Suite 100
Buffalo, NY 14202

March 17, 2000

WARNING LETTER NYK 2000-48

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Kubricky, Chief Executive Officer
Moses Ludington Hospital
2 Wicker Street
Ticonderoga, New York 12883

RE: Facility ID 182923

Dear Mr. Kubricky:

Your facility was inspected on March 2, 2000 by a representative of the New York State Department of Health acting on behalf of the Food and Drug Administration (FDA). This inspection revealed a serious regulatory problem involving the mammography at your facility.

Under a United States Federal law, the Mammography Quality Standards Act of 1992, your facility must meet specific requirements for mammography. These requirements help protect the health of women by assuring that a facility can perform quality mammography. The inspection revealed the following Level 1 finding at your facility:

- ***Phantom QC records were missing for 10 weeks during the worst 12-week period of 5/9/99 to 7/31/99. In all, since the implementation of the final MQSA regulations, 19 weekly phantom testing periods were missed.***

The specific problem noted above appeared on your MQSA Facility Inspection Report which was issued to your facility at the close of the inspection. This problem is identified as Level 1 because it identifies a failure to meet a significant MQSA requirement.

Because this condition may be symptomatic of serious underlying problems that could compromise the quality of mammography at your facility, it represents a violation of the law which may result in FDA taking regulatory action without further notice to you. These actions include, but are not limited to, placing your facility under a Directed Plan of Correction; charging your facility for the cost of on-site monitoring; assessing civil money penalties up to \$10,000 for each failure to substantially comply with, or each day of failure to substantially comply with MQSA standards; suspension or revocation of your facility's FDA certificate; obtaining a court injunction against further mammography.

In addition, your response should address the Level 2 findings that were listed on the inspection report provided at the close of the inspection. The Level 2 findings are:

- *Phantom image score was 0.5 fibers on one film and 3.5 fibers on the second film. The minimum acceptable score is 4.0 fibers.*
- *Ten of ten medical reports reviewed at random lacked an assessment category.*
- *There is no written procedure for handling consumer complaints.*
- *There is no written procedure for infection control.*
- *The radiologic technologist ~~██████████~~ did not meet the continuing education requirement of having completed a minimum of 15 CEUs in mammography in a 36-month period.*

It is necessary for you to act on these matters immediately. Please explain to this office in writing within fifteen (15) working days from the date that you receive this letter:

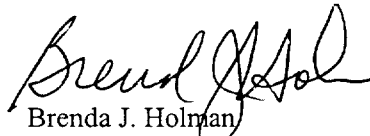
1. The specific steps you have taken to correct the violations noted in this letter. Please include supporting documentation and an acceptable phantom image film.
2. Each step your facility is taking to prevent the recurrence of similar violations.

Please submit your response to the attention of Lisa M. Utz, Compliance Officer, U.S. Food and Drug Administration, 300 Pearl Street, Olympic Towers, Suite 100, Buffalo, New York 14202.

Finally, you should understand there are many FDA requirements pertaining to mammography. This letter pertains only to findings of your inspection and does not necessarily address other obligations you have under the law. You may obtain general information about all of FDA's requirements for mammography facilities by contacting the Mammography Quality Assurance Program, Food and Drug Administration, P.O. Box 6057, Columbia, Maryland 21045-6057 (1-800-838-7715), or through the Internet at <http://www.fda.gov>.

If you have any questions about mammography facility requirements, you may contact Murray L. Kurzman, Radiation Programs Manager, at (516) 921-2035.

Sincerely,


Brenda J. Holman
District Director